

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMANDA ARRINGTON,

Plaintiff,

v.

Case No. 12-10079  
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**  
**and**  
**ORDER DISMISSING ACTION**

This matter is before the Court on Magistrate Judge Mark A. Randon's Report and Recommendation [**Doc. No. 12, filed July 18, 2012**]. To date, no objections to the Report and Recommendation have been filed and the time to file such objections has passed.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986) (quoting *Baker v. Heckler*, 730 F.2d 1147, 1150 (8th Cir. 1984)).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that this matter must be dismissed under Rule 41(b) of the Rules of Civil Procedures for failure to prosecute with prejudice. A dismissal under Rule 41(b) “operates as an adjudication the merits.” Fed. R. Civ. P. 41(b).

Accordingly,

**IT IS ORDERED** that the Report and Recommendation of Magistrate Judge Mark A. Randon [Doc. No. 12, filed July 18, 2012] is **ACCEPTED** and **ADOPTED** as this Court’s findings and conclusions of law.

**IT IS FURTHER ORDERED** that the Commissioner’s decision is **AFFIRMED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED** with prejudice.

S/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: October 31, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 31, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager